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REMARKS

By this amendment, Applicants have amended claims 1, 2, 6-7, 12-20, 25, 29-36, 39-41, 46, 51-59, 64-65, 67-75 and 78 and added new claims 79-88. Claims 26-27 have been canceled without disclaimer and Applicants reserve the right to pursue these claims in one or more continuation applications.

Support for the amendments to claims 1 and 40 and the addition of new claim 81, can be found in the specification at, for example, page 2, lines 30-33, page 6, lines 12-28, page 18, line 25 to page 19, line 23, claims 56, 65-67 and Figures 6 and 7. Support for the amendments to claim 2 and new claim 82 can be found in the specification at, for example, page 9, lines 1-5. Amendments to claims 6-7, 12-20, 25, 29-36, 39, 41, 46, 51-59, 64-65, 67-75 and 78 places them in conformity with independent claims 1 and 40 and support for multiple users and pieces of content can be found in original claims 26 and 27. Support for new claims 79-80, and new claims 85-86 can be found in the specification, for example, at page 2, lines 30-33, page 6, lines 12-28, page 14, lines 25-29. Support for new claims 83-84 can be found in original claims 47-50. Support for new claim 87 can be found, for example, in the specification at page 4, lines 11-16. Support for new claim 88 can be found in original claims 1, 6-11.

No new matter has been added by this amendment. Applicants respectfully request entry of the amendment and allowance of the pending claims.

Rejection Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1, 2, 4, 5, 7, 14-39, 40, 41, 43, 44, 46, 53-78 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,418,457 (Schmidt). Applicants respectfully traverse this rejection.

For a rejection to be sustained under 35 U.S.C. §102(b), each and every element of the claims must be disclosed in the cited prior art reference. Claims 1, 2, 4, 5, 7, 14-39, 40, 41, 43, 44, 46, 53-78 have been amended to include that pieces of intellectual property (e.g., ideas, inventions, patents, trademarks, copyrights, etc.) from two different

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users are linked together and combined to create new intellectual property. Thus the systems and methods allow, for example, one or more ideas, inventions, patents, trademarks, copyrights, etc. to be linked with another piece of intellectual property and combined to form new intellectual property. See, for example, the specification at page 6, lines 12-28 and Figures 6 and 7. Schmidt simply does not disclose at least this aspect of the present claims.

Schmidt discloses a document storage system for inventors that utilize time stamps and digital signatures. Schmidt uses software such as Lotus Notes[®] to add entries and focuses on having those entries electronically signed and witnessed. (See Figures 5a-5j).

Schmidt does not disclose methods and systems that take pieces of intellectual property (e.g., ideas, inventions, patents, trademarks, copyrights, etc.) from two different users and link them together and combine them to create new intellectual property.

Moreover, Schmidt is concerned with getting the notebook witnessed and then sending the disclosure to the legal department for patent application drafting. Most notably, Schmidt does not disclose ways to manage the intellectual property.

With regard to new claim 82, the system utilizes a crediting process to credit each user with their contribution to the new intellectual property. Schmidt simply does not disclose this feature.

With regard to new claim 87, the system further comprises a custodian workstation allowing a custodian to verify the integrity of the information and an administrator workstation to allow an administrator to oversee the users. Schmidt does not disclose these workstations and the functions associated with them.

With regard to new claim 88, Schmidt does not disclose ways to value the intellectual property including tracking an estimated, market, compound, or a proportional value associated with the intellectual property.

Schmidt equates value of the inventor's entry with the technology value and not estimating a value for the intellectual property in any way.

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As a further guarantee of the integrity of the data within the notebook database, certain documents of exceptional value would be certified via an electronic Public Notary to provide independent certification of the date and non-modification of the document in the database.

Schmidt (col. 2, lines 24-28, emphasis added). There is simply no concept of economic value for the intellectual property disclosed in Schmidt or management of intellectual property over its life cycle beyond filing the patent application.

In summary, Schmidt does not disclose each and every element of the claims and Applicants request that this rejection under 35 U.S.C. §102(b) be reconsidered and withdrawn.

Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claims 3, 6, 8-13, 42, 45, 47-52 as allegedly unpatentable over Schmidt in view of U.S. Publication No. 2002/0032643 (Himmelstein) or Schmidt in view of U.S. Patent No. 5,692,073 (Cass). Applicants respectfully disagree with the Examiner, and traverse these rejections.

To establish a *prima facie* case of obviousness, all of the claim elements must be taught or suggested by the prior art. *In re Vaeck*, 947 F. 2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Applicants refer the Examiner to the arguments made above regarding the Schmidt reference and submit that Schmidt does not disclose, teach or suggest methods and systems that take pieces of intellectual property (e.g., ideas, inventions, patents, trademarks, copyrights, etc.) from two different users and link them together and combine them to create new intellectual property.

Moreover, Schmidt does not disclose ways to value the intellectual property including tracking an estimated, market, compound, or a proportional value associated with the intellectual property as claimed in new claim 88. Schmidt equates value of the inventor's entry with the technology value and not estimating a value for the intellectual property in any way.

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Himmelstein does not solve these defects either. First, Himmelstein discloses an electronic bartering system for assets including cash, stock, securities or other items. These assets are not the same as the currently claimed intellectual property assets.

Second, Himmelstein does not disclose, teach or suggest methods and systems that take pieces of intellectual property (e.g., ideas, inventions, patents, trademarks, copyrights, etc.) from two different users and link them together and combine them to create new intellectual property as presently claimed.

Third, with regard to new claim 88, Himmelstein does not disclose, teach or suggest valuing intellectual property in any way. The Examiner equates bartering of an asset as the same thing as estimating a value for the asset (Office Action, page 6, last full paragraph). To one of ordinary skill in the art, bartering is merely swapping goods or services, while estimated, market, compound, or a proportional value associated with the intellectual property involves estimating the value of the intellectual property and its profitability before entering into the transaction and not merely swapping an asset for another asset or service as in Himmelstein's bartering system.

Cass does not solve this defect either. Cass discloses a document marking system where a reference document can be marked and then the markings extracted from the document. (See Figures 10-12). Cass does not disclose, teach or suggest tracking and creating intellectual property or intellectual property elements in any way. Moreover, Cass does not disclose, teach or suggest methods and systems that take pieces of intellectual property (e.g., ideas, inventions, patents, trademarks, copyrights, etc.) from two different users and link them together and combine them to create new intellectual property as presently claimed. With regard to new claim 88, Cass does not disclose, teach or suggest valuing intellectual property in any way.

Applicants respectfully submit that Schmidt, Himmelstein and Cass alone or in combination do not disclose, teach or suggest the present claims. There would be no motivation to combine Schmidt with Himmelstein as the Examiner does because Schmidt says nothing about combining intellectual property to create new intellectual property and Himmelstein says nothing about valuing intellectual property.

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If one of ordinary skill in the art were to combine Schmidt, and Himmelstein or Cass, one would obtain a method of extracting markings from an inventor's lab notebook and not the present claims that include taking pieces of intellectual property from two different users and linking them together and combining them to create new intellectual property. With regard to new claim 88, Schmidt, Himmelstein and Cass do not disclose, teach or suggest valuing intellectual property in any way. Accordingly, Applicants request that the rejections under 35 U.S.C. §103(a) be reconsidered and withdrawn.

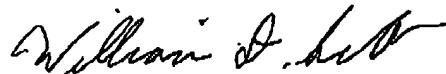
Conclusion

Reconsideration and allowance are respectfully solicited.

Applicants submit a petition to revive for unintentional delay and the associated fee. No additional fee is believed to be due with respect to the filing of this amendment. If any additional fees are due, or an overpayment has been made, please charge, or credit, our Deposit Account No. 11-0171 for such sum.

If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicants' attorney at the telephone number provided below.

Respectfully submitted,



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